

APR - 5 2004

OFFICIAL PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|-----------------------|--|
| In re Application of: | Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley, Sean P. Skubitz |
| Application No.: | 10/728513 |
| Filed: | December 5, 2003 |
| For: | Improved Longitudinally Flexible Expandable Stent |
| Examiner: | Vy Q. Bui |
| Group Art Unit: | 3738 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US04

REQUEST TO WITHDRAW PETITION TO MAKE SPECIAL

Applicant hereby requests that the Petition to Make Special filed December 5, 2003 be withdrawn. Subsequent to the filing of the Petition, Boston Scientific Corporation, the parent corporation of the assignee of the instant application, SciMed Life Systems Inc., and Guidant Corporation entered into a settlement agreement which moots the basis of the petition. A copy of a press release announcing the settlement accompanies this Request.

If an extension of time is required to make this Request timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

04/21/2004 DBKDDKS 00000002 220350 10728513

01 FC:1460 130.00 DA

Date: April 5, 2004

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\jg\06769us04_and_20040316.doc

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By:


Jonathan Grad
Registration No. 741795